

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ULYSSES RODRIGUEZ CHARLES,

Plaintiff,

v.

CITY OF BOSTON; JOHN MULLIGAN, in his
individual capacity; WILLIAM KEOUGH, in his
individual capacity; PAUL RUFO, in his individual
capacity; KATHLEEN HANLEY JOHNSON, in her
individual capacity; STANLEY BOGDAN, in his
individual capacity; JOHN DOE and JANE DOE,
supervisors in the Boston Police Department, in their
individual capacity,

Defendants.

CA No. 04-10986 NG

MOTION FOR ENTRY OF DEFAULT

Plaintiff Ulysses Rodriguez Charles hereby respectfully moves this Court to enter a default against Defendant Stanley Bogdan pursuant to Rule 55 of the Federal Rules of Civil Procedure. As grounds for this motion, Mr. Charles state as follows:

1. On May 17, 2004, Mr. Charles served the complaint in this action on Mr. Bogdan.
2. Mr. Bogdan moved to dismiss the complaint on October 15, 2004.
3. Ruling from the bench, the Court denied Mr. Bogdan's motion to dismiss on January 20, 2005 and indicated that the Court would also issue a written opinion.
4. Pursuant to F.R.C.P. 12(a)(4)(A), Mr. Bogdan had ten (10) days, from the date of the Court's ruling, to answer the complaint. It has been over one month since this Court denied Mr. Bogdan's motion, and he has neither filed nor served an answer.

5. Although counsel for Mr. Bogdan maintains that she need not submit an answer to the complaint in advance of the Court's written decision, Mr. Charles respectfully disagrees. The motion to dismiss was denied, and the case has not been stayed against Mr. Bogdan. Mr. Bogdan, therefore, is in default.

6. If the Court elects not to enter default, Mr. Charles respectfully requests an order requiring the submission and filing of an answer within five (5) days of the order, at any time the Court deems appropriate.

7. The affidavit of Mayeti Gametchu, Mr. Charles's counsel, attesting to the facts contained herein, accompanies this motion.

WHEREFORE, Mr. Charles respectfully requests that the Court grant the relief requested herein and enter a default against Mr. Bogdan.

Dated: March 3, 2005

Respectfully Submitted,

/s/ Mayeti Gametchu

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Attorneys for Plaintiff

ULYSSES RODRIGUEZ CHARLES

CERTIFICATE OF CONFERRAL PURSUANT TO L.R.7.1(a)(2)

I, Mayeti Gametchu, hereby certify that, today, March 3, 2005, I conferred with counsel for Defendant Bogdan in good faith in an attempt to resolve or narrow the issues contained herein, but was unable to do so.

CERTIFICATE OF SERVICE

I, Mayeti Gametchu, hereby certify that, on March 3, 2005, I caused a true and correct copy of the foregoing document to be served by first class mail upon counsel for Defendant Bogdan, Amy E. Ambarik, Assistant Corporation Counsel, City of Boston Law Dept., City Hall, 615, Boston, MA 02201.

/s/ Mayeti Gametchu

0038-002-101414